

Notice of Allowability

Application No.

10/720,491

Examiner

Cam Y T. Truong

Applicant(s)

CHILDS ET AL.

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/18/2007.
2. ☒ The allowed claim(s) is/are 13-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Cam Y Truong
Primary Examiner
Art Unit: 2162

DETAILED ACTION

1. Applicant has amended claims 13, 19 and canceled claims 1-12 in the amendment filed on 1/18/2007.

Claims 13-19 are pending in this Office Action.

Drawings

2. The filed Drawings on 1/30/2007 are accepted.

EXAMINER'S AMENDMENT

- 3 An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Robert A. Voigt on 1/31/2007.

In claims:

Please replace claims 1 and 19 with amended claims 1-19.

Claim 13 (Currently amended) A system, comprising:

a processor;

a first operating system running on said processor;

a storage device coupled to said processor, wherein said storage device comprises a locked partition configured to store a second operating system and backup files, wherein said locked partition is accessed only by said second operating system; and

a memory unit coupled to said processor, wherein said memory unit is operable for storing a computer program for restoring previously un-backed up data during a system restore;

wherein said processor, responsive to said computer program, comprises: circuitry operable for starting restoration of said system;

circuitry operable for reading other partitions of said storage device to determine which files have been modified since most recent backup operation;

circuitry operable for running a virus scan on files determined to be modified;

circuitry operable for uncorrupting modified files containing a virus that can be uncorrupted;

circuitry operable for copying uncorrupted modified files; and

circuitry operable for replacing backup files in said locked partition of said storage device that have been modified since most recent backup operation with said uncorrupted modified files.

Claim 19 (Currently amended) A system, comprising:

- a first computing system comprising:

 - a processor;

 - a first operating system running on said processor; and

 - a memory unit coupled to said processor, wherein said memory unit is

 - operable for storing a computer program for restoring previously un-backed up data during a system restore; and

 - a storage device coupled to said first computing system, wherein said storage device comprises a locked partition configured to store a second operating system and backup files, wherein said locked partition is accessed only by said second operating system; and

 - wherein said processor, responsive to said computer program, comprises:

 - circuitry operable for starting restoration of said system;

 - circuitry operable for reading other partitions of said storage device to determine which files have been modified since most recent backup operation;

 - circuitry operable for running a virus scan on files determined to be modified;

 - circuitry operable for uncorrupting modified files containing a virus that can be uncorrupted;

 - circuitry operable for copying uncorrupted modified files; and

 - circuitry operable for replacing backup files in said locked partition of said

storage device that have modified since most recent backup operation with said uncorrupted modified files.

Allowable Subject Matter

4. Claims 13-19 are allowed.

The prior art of record, alone or in combination, does not teach or fairly suggest the combination of steps as recited in independent claim 13, wherein “wherein said storage device comprises a locked partition configured to store a second operating system and backup files, wherein said locked partition is accessed only by said second operating system; circuitry operable for starting restoration of said system; circuitry operable for reading other partitions of said storage device to determine which files have been modified since most recent backup operation; circuitry operable for uncorrupting modified files containing a virus that can be uncorrupted; circuitry operable for copying uncorrupted modified files; and circuitry operable for replacing backup files in said locked partition of said storage device that have modified since most recent backup operation with said uncorrupted modified files”; and

The prior art of record, alone or in combination, does not teach or fairly suggest the combination of steps as recited in independent claim 19, wherein “wherein said storage device comprises a locked partition configured to store a second operating system and backup files, wherein said locked partition is accessed only by said second operating system; circuitry operable for starting restoration of said system; circuitry operable for reading other partitions of said storage device to determine

Art Unit: 2162

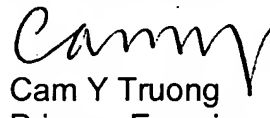
which files have been modified since most recent backup operation; circuitry operable for uncorrupting modified files containing a virus that can be uncorrupted; circuitry operable for copying uncorrupted modified files; and circuitry operable for replacing backup files in said locked partition of said storage device that have modified since most recent backup operation with said uncorrupted modified files”.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T. Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Cam Y Truong
Primary Examiner
Art Unit 2162
1/30/2007